IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.4l08 of 2004

Abhay Avadhut Naik .Petitioner

vs

Sameera Abhay Naik & ors..Respondents

CORAM: A.P.SHAH J.

Dated 25.l0.2005

P.C:

. The petitioner and his advocate are absent. Perused the impugned order of the family court. By this order the family court has restrained the petitioner husband from entering or visiting the suit flat and from causing disturbance to the peaceful possession of the respondent wife over the suit flat. The family court has found that though the suit flat stands in the joint names of the parties, petitioner husband has merely contributed an amount of Rs.76,000 while the respondent wife herself raised loan of Rs.3.30 lacs for purchase of the suit flat. It appears that due to various disputes between the parties they fell apart. Thereafter on l0.5.2003 they entered into an agreement on stamp paper. By the said agreement the respondent wife agreed to pay an amount of Rs.40,000 to the petitioner husband in exchange of his relinquishment of right and interest over the

suit flat. Accordingly she paid the amount which has been acknowledged by the husband by receipt. Even a petition for decree for divorce by mutual consent has been filed. It appears that the husband is residing independently in a premises at Sus Road, Pune. In the circumstances the family court has rightly restrained the petitioner husband from entering and visiting the suit flat. No interference is called for under Art 227 of the Constitution. Petition is dismissed.